

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

MAY 12 2005

FILED
CLERK'S OFFICE

DOCKET NO. 1456

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

*IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION*

(SEE ATTACHED SCHEDULE)

CONDITIONAL TRANSFER ORDER (CTO-21)

On April 30, 2002, the Panel transferred 16 civil actions to the United States District Court for the District of Massachusetts for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 35 additional actions have been transferred to the District of Massachusetts. With the consent of that court, all such actions have been assigned to the Honorable Patti B. Saris.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the District of Massachusetts and assigned to Judge Saris.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the District of Massachusetts for the reasons stated in the order of April 30, 2002, 201 F.Supp.2d 1378 (J.P.M.L. 2002), and, with the consent of that court, assigned to the Honorable Patti B. Saris.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the District of Massachusetts. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is
pending at this time, the
stay is lifted.

MAY 31 2005

CLERK'S OFFICE
JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION

FOR THE PANEL:

Michael J. Beck

Michael J. Beck
Clerk of the Panel

**SCHEDULE CTO-21 - TAG-ALONG ACTIONS
DOCKET NO. 1456
IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE
LITIGATION**

DIST. DIV. C.A. #

CASE CAPTION

NEW YORK NORTHERN

| | |
|--------------|---|
| NYN 1 05-408 | The County of Washington v. Abbott Laboratories, Inc., et al. |
| NYN 1 05-422 | County of Rensselaer v. Abbott Laboratories, Inc., et al. |
| NYN 1 05-425 | County of Albany v. Abbott Laboratories, Inc., et al. |
| NYN 1 05-468 | County of Warren v. Abbott Laboratories, Inc., et al. |
| NYN 1 05-474 | County of Greene v. Abbott Laboratories, Inc., et al. |
| NYN 1 05-478 | County of Saratoga v. Abbott Laboratories, Inc., et al. |
| NYN 3 05-354 | County of Chenango v. Abbott Laboratories, Inc., et al. |
| NYN 3 05-456 | The County of Broome v. Abbott Laboratories, Inc., et al. |
| NYN 5 05-397 | County of Tompkins v. Abbott Laboratories, Inc., et al. |
| NYN 5 05-423 | County of Cayuga v. Abbott Laboratories, Inc., et al. |
| NYN 6 05-415 | County of Herkimer, New York v. Abbott Laboratories, Inc., et al. |
| NYN 6 05-489 | County of Oneida v. Abbott Laboratories, Inc., et al. |
| NYN 7 05-479 | County of Saint Lawrence v. Abbott Laboratories, Inc., et al. |

NEW YORK WESTERN

| | |
|-------------------------|--|
| NYW 1 05-214 | County of Chautauqua v. Abbott Laboratories, Inc., et al. |
| NYW 1 05-236 | County of Allegany v. Abbott Laboratories, Inc., et al. |
| NYW 1 05-256 | County of Cattaraugus v. Abbott Laboratories, Inc., et al. |
| NYW 1 05-259 | County of Erie v. Abbott Laboratories, Inc., et al. Opposed 5/24/05 |
| NYW 6 05-6138 | County of Wayne v. Abbott Laboratories, et al. |
| NYW 6 05-6148 | County of Monroe v. Abbott Laboratories, Inc., et al. |
| NYW 6 05-6172 | County of Yates v. Abbott Laboratories, Inc., et al. |

MWP, STAYED

**U.S. DISTRICT COURT
WESTERN DISTRICT OF NEW YORK [LIVE] (Rochester)
CIVIL DOCKET FOR CASE #: 6:05-cv-06138-MAT**

County of Wayne v. Abbott Laboratories, Inc. et al
Assigned to: Hon. Michael A. Telesca
Related Case: 6:05-cv-06223-MAT
Cause: 42:1396 - Tort Negligence

Date Filed: 03/30/2005
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

County of Wayne

represented by **Aaron D. Hovan**
Kirby McInerney & Squire, LLP
830 Third Avenue
Suite 10
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: ahovan@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Joanne M. Cicala
Kirby McInerney & Squire, LLP
830 Third Avenue
Suite 10
New York, NY 10022
212-371-6600
Fax: 212-751-2540
Email: jcicala@kmslaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger W. Kirby
Kirby McInerney & Squire, LLP
830 Third Avenue
Suite 10
New York, NY 10022
(212) 371-6600
Fax: 212-751-2540
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

Abbott Laboratories, Inc.

Defendant

Agouron Pharmaceuticals, Inc.

Defendant

Alcon Laboratories, Inc.

Defendant

Allergan, Inc.

Defendant

Alpharma, Inc.

Defendant

Amgen, Inc.

Defendant

Andrx Corporation

Defendant

AstraZeneca Pharmaceuticals L.P.

Defendant

Aventis Pharmaceuticals, Inc.

Defendant

Barr Laboratories, Inc.

Defendant

Bayer Corporation

Defendant

Ben Venue Laboratories, Inc.

Defendant

Berlex Laboratories, Inc.

Defendant

Biogen Idec, Inc.

Defendant

Biovail Pharmaceuticals, Inc.

Defendant

Boehringer Ingelheim Corporation

Defendant

Boehringer Ingelheim Corporation

Defendant

Bristol-Meyers Squibb Company

Defendant

Dermik Laboratories, Inc.

Defendant

Dey Inc.

Defendant

Eisai Inc.

Defendant

Eli Lilly and Company

Defendant

Endo Pharmaceuticals Inc.

Defendant

Ethex Corporation

Defendant

Forest Laboratories, Inc.

Defendant

Forest Pharmaceuticals, Inc.

Defendant

Fujisawa Healthcare, Inc.

Defendant

Fujisawa USA, Inc.

Defendant

Genentech, Inc.

Defendant

Genzyme Corporation

Defendant

Gilead Sciences, Inc.

Defendant

Glaxosmithkline PLC

Defendant

Greenstone, LTD

Defendant

Hoffman-LaRoche, Inc.

Defendant

Immunex Corporation

Defendant

Ivax Corporation

Defendant

Ivax Pharmaceuticals Inc.

Defendant

Janssen Pharmaceutica Products, LP

Defendant

Johnson & Johnson

Defendant

King Pharmaceuticals, Inc.

Defendant

McNeil-PPC, Inc.

Defendant

MedImmune, Inc.

Defendant

Merck & Co., Inc.

Defendant

Monarch Pharmaceuticals, Inc.

Defendant

Mylan Laboratories, Inc.

Defendant

**Novartis P Mylan Pharmaceuticals,
Inc.**

Defendant

**Novartis Pharmaceuticals
Corporation**

Defendant

Novo Nordisk Pharmaceuticals, Inc.

Defendant

**Oncology Therapeutics Network
Corp.**

Defendant

Organon Pharmaceuticals USA, Inc.

Defendant

Ortho Biotech Products, LP

Defendant

Ortho-McNeil Pharmaceutical, Inc.

Defendant

Par Pharmaceutical, Inc.

Defendant

Pfizer, Inc.

Defendant

Pharmacia Corporation

Defendant

Purdue Pharma, L.P.

Defendant

Purepac Pharmaceutical Co.

Defendant

Reliant Pharmaceuticals, LLC

Defendant

Roche Laboratories, Inc.

Defendant

Roxane Laboratories, Inc.

Defendant

Sandoz, Inc.

Defendant

Sanofi-Synthelabo, Inc.

Defendant

Schering-Plough Corp.

Defendant

Serono, Inc.

Defendant

Smithkline Beecham Corporation

doing business as

Glaxosmithkline

Defendant

**Takeda Pharmaceuticals North
America, Inc.**

Defendant

Tap Pharmaceutical Products, Inc.

Defendant

Teva Pharmaceutical USA, Inc.

Defendant

UCB Pharma, Inc.

Defendant

UDL Laboratories, Inc.

Defendant

**Warrick Pharmaceuticals
Corporation**

Defendant

Watson Pharma, Inc.

Defendant

Watson Pharmaceuticals, Inc.**Defendant****Wyeth**

| Date Filed | # | Docket Text |
|-------------------|----------|---|
| 03/30/2005 | <u>1</u> | COMPLAINT against all defendants (Filing fee \$ 250 receipt number 67454.), filed by County of Wayne. (Attachments: # <u>1</u> Complaint Part 2 of 3# <u>2</u> Complaint (Part 3 of 3)# <u>3</u> Exhibit A Part 1 of 5# <u>4</u> Exhibit A Part 2 of 5# <u>5</u> Exhibit A Part 3 of 5# <u>6</u> Exhibit A Part 4 of 5# <u>7</u> Exhibit A Part 5 of 5# <u>8</u> Exhibit B# <u>9</u> Exhibit C# <u>10</u> Exhibit D# <u>11</u> Exhibit E# <u>12</u> Alphabetical Listing of Defendants)(BJB,) (Entered: 04/04/2005) |
| 03/30/2005 | | Summons Issued as to Amgen, Inc., Andrx Corporation, AstraZeneca Pharmaceuticals L.P., Aventis Pharmaceuticals, Inc., Barr Laboratories, Inc., Bayer Corporation, Ben Venue Laboratories, Inc., Berlex Laboratories, Inc., Biogen Idec, Inc., Biovail Pharmaceuticals, Inc., Boehringer Ingelheim Corporation, Boehringer Ingelheim Corporation, Bristol-Meyers Squibb Company, Dermik Laboratories, Inc., Dey Inc., Eisai Inc., Eli Lilly and Company, Endo Pharmaceuticals Inc., Ethex Corporation, Forest Laboratories, Inc., Forest Pharmaceuticals, Inc., Fujisawa Healthcare, Inc., Fujisawa USA, Inc., Genentech, Inc., Genzyme Corporation, Gilead Sciences, Inc., Glaxosmithkline PLC, Greenstone, LTD, Hoffman-LaRoche, Inc., Immunex Corporation, Ivax Corporation, Ivax Pharmaceuticals Inc., Janssen Pharmaceutica Products, LP, Johnson & Johnson, King Pharmaceuticals, Inc., McNeil-PPC, Inc., MedImmune, Inc., Merck & Co., Inc., Monarch Pharmaceuticals, Inc., Mylan Laboratories, Inc., Mylan Pharmaceuticals, Inc., Novartis Pharmaceuticals Corporation, Novo Nordisk Pharmaceuticals, Inc., Oncology Therapeutics Network Corp., Organon Pharmaceuticals USA, Inc., Ortho Biotech Products, LP, Ortho-McNeil Pharmaceutical, Inc., Abbott Laboratories, Inc., Par Pharmaceutical, Inc., Pfizer, Inc., Pharmacia Corporation, Purdue Pharma, L.P., Purepac Pharmaceutical Co., Reliant Pharmaceuticals, LLC, Roche Laboratories, Inc., Roxane Laboratories, Inc., Sandoz, Inc., Sanofi-Synthelabo, Inc., Agouron Pharmaceuticals, Inc., Schering-Plough Corp., Serono, Inc., Smithkline Beecham Corporation, Takeda Pharmaceuticals North America, Inc., Tap Pharmaceutical Products, Inc., Teva Pharmaceutical USA, Inc., UCB Pharma, Inc., UDL Laboratories, Inc., Warrick Pharmaceuticals Corporation, Watson Pharma, Inc., Alcon Laboratories, Inc., Watson Pharmaceuticals, Inc., Wyeth, Allergan, Inc., Alpharma, Inc.. (BJB,) (Entered: 04/04/2005) |
| 06/01/2005 | <u>2</u> | ORDER STAYING CASE pending the resolution of the transfer issue by the Panel on Multidistrict Litigation.. Signed by Hon. Michael A. Telesca on 5/31/05. (BJB,) (Entered: 06/06/2005) |

| | | | |
|-----------------------------|---------------|-------------------------|-------------------|
| PACER Service Center | | | |
| Transaction Receipt | | | |
| 06/07/2005 16:08:54 | | | |
| PACER Login: | us2510 | Client Code: | |
| Description: | Docket Report | Search Criteria: | 6:05-cv-06138-MAT |
| Billable Pages: | 3 | Cost: | 0.24 |